

**A Public Sphere in International Environmental Politics:
The Case of the Kyoto Protocol Negotiations**

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Abstract

This article identifies the institutional characteristics of global governance arenas as an under-theorized factor that explains the efficacy of transnational advocacy networks in shaping the outcomes of international politics. In the international climate change negotiations, the UN arena functioned as a “global public sphere.” A public sphere has three key features: open access and some participatory parity, rational deliberation about the common good, and the formation of public opinion that influences state decision-making. The UN climate negotiations embodied each of these features, creating a terrain on which environmental groups were able to foster an international treaty on climate change—the 1997 Kyoto Protocol—which was much closer to their interests than to the interests of powerful state and private sector actors.

Introduction

Some of the most eye-catching events at the international climate negotiations are the publicity stunts staged by environmental groups. At the November 1998 round of the climate negotiations (more formally referred to as the Fourth Conference of the Parties or COP 4), Friends of the Earth, Greenpeace, and Oilwatch arranged a press event in which one person, dressed as the Exxon oil corporation tiger, led on puppet-strings a suited figure representing the United States. The Exxon tiger was stuffing money into US pockets, and the US was chanting, “Oil good, Exxon good.” The goal of the publicity stunt was to portray the United States government delegation at COP 4 as a puppet of oil interests. The procession toured around the conference center, gathering a following of delegates and observers to the climate negotiations, until it stopped in front of the meeting room pre-assigned to conference attendees from business and industry groups. Initially, the industry representatives clustered around the open door of their meeting room and peered out at the spectacle. They then retreated into their room, closed the door, and continued to trade insults and comments with the crowd outside, through the closed door. A few minutes later, the procession disbanded.

The media event made clear that, at least in the context of the United Nations climate negotiations, environmental groups can challenge oil companies in their efforts to direct state decision-making. The environmental groups dominated the space of the conference center, while the oil company representatives retreated to their small, pre-assigned meeting room. The dominance of environmental groups in the conference center at the 1998 round of the climate negotiations mirrored their dominant position, relative to oil companies, in global climate politics. A year earlier, in December of 1997, the international community of states had negotiated the Kyoto Protocol, a multilateral climate change treaty, whose provisions were much closer to the interests of environmental groups than to those of conservative business interests.

The press releases of both constituencies about the Kyoto agreement underscore the environmentalist victory in 1997. Most environmental groups labeled the Kyoto Protocol as “a historic turning point in the effort to protect the planet. While this is only a first step on a long road, and we know that later agreements must produce far more aggressive action if we are to succeed, the accord reached here today includes substantial legally binding commitments to reduce greenhouse pollution” (NRDC 1997). In contrast, the key industry group described the Kyoto Protocol as “unilateral economic disarmament. It is a terrible deal and the President should not sign it. If he does, we will campaign, and we will defeat it” (GCC 1997).

The Kyoto Protocol negotiations are thus a case of success by environmental advocacy groups in the face of opposition from one of the most powerful global sectoral interest groups, the fossil fuel industry. The goal of this article is to explain the environmentalist victory at Kyoto. I argue that the institutional characteristics of the UN climate negotiations are a key element to explaining the success of environmental non-governmental organizations (ENGOS) in international climate politics. The institutional terrain of the UN climate negotiations created a setting in which NGO supporters of climate protection were able to challenge the structural and material influence of private sector organizations and state actors opposed to action on climate change. I argue that the UN negotiations functioned as a global “public sphere,” that is a political arena in which rational deliberation of the common interest is the driving force (Habermas [1962] 1989). The three key features of a public sphere are open access and some participatory parity, rational deliberation about the common good, and the formation of public opinion to rationalize state power. Each feature contributed to the NGO victory at Kyoto.

In the following sections, I first review the literature on civil society influence on global governance, highlighting the need to analyze the role of international institutions in enabling civil society advocacy at the global level. I then theorize the characteristics of a global public

sphere. The third section briefly describes and counters potential alternative explanations for the environmentalist victory at Kyoto. I then elaborate on my public sphere explanation of successful ENGO climate advocacy.

The arguments made in this article are based on research conducted over a four-year period from December 1998 to January 2003, including taped interviews with seventy-five participants in the UN climate negotiations; participant observation at five Conferences of the Parties to UNFCCC (COPs 4, 6, 6 bis, 7, and 8); and an analysis of over seven hundred documents relevant to the climate policies and campaigns of state delegations, ENGOs, oil companies, and business associations involved in the climate debates.

Before moving on to the literature review, I want to highlight the relevance of this case study beyond climate change politics. The upsurge of transnational NGOs and networks over the past forty years led to dramatic expectations that global civil society would “reconstruct, re-imagine, or re-map world politics” (Lipschutz 1992, 391). These expectations subsequently fell victim to an empirical reality of NGO influence limited to the small group of issues that involve violations of legal rights and weak state targets (Keck and Sikkink 1998). My public sphere analysis of the environmentalist victory at Kyoto re-expands the scope of action of global civil society. In particular, I identify two “public sphere” mechanisms by which transnational advocacy groups can create opportunities for influence in international politics.

First, civil society groups can create opportunities for influence by shifting the locus of decision-making from closed arenas, where structural and material influence determine the outcomes of bargaining, to open public spheres, where positions must be justified in terms of widely shared interests. This was the strategy employed in the street protests at the 1999 meeting of the World Trade Organization in Seattle. Activists shifted public attention to the

essentially closed and private negotiations of the World Trade Organization, actively dragging the deliberations over international trade into the public sphere

Second, civil society groups can engage in the longer-term project of creating decision-making arenas that function as public spheres. The creation of the World Commission on Dams is an example of the second strategy. The advocacy activities of a trans-national anti-dam network led to the organization of an international commission, whose express purpose was to assess the development effectiveness of big dams. An “innovative independent multi-stakeholder experiment in global governance,” the commission functions as a public sphere and includes twelve commissioners representing state, private sector and civil society interests, all with equal voice and decision-making power (Khagram 2004, 3).

Civil society influence on global governance

Initial reflections on the potential for civil society influence on global governance offer dim prospects. Traditionally, the international arena has been considered the province of warring states. Although international diplomacy is double-edged, i.e. at the intersection of international relations and domestic politics (Putnam 1993), decisions about foreign policy tend to be restricted to an inner circle of state elites, concerned with maximizing a nation’s geopolitical and economic self-interest (Rowlands 2001). Studies of democracy in the European Union, the most advanced institution of international governance, underscore this perspective. Describing the European Union, Dahl finds that “[b]argaining, hierarchy, and markets determine the outcomes. Except to ratify the results, democratic processes hardly play a role” (1998, 115). Increasing economic globalization over the past thirty years has complicated this conception somewhat. Some scholars now place global capital on par with states in the international system (Strange 1992). The combined threats of capital flight, unemployment, and stagnant growth are argued to

undermine the abilities of states to oppose and/or regulate the expansion of transnational capital (Evans 1997).

Neither version of the international arena—as the province of states elites or as the feeding ground for global capital—provides a hopeful outlook for opportunities for civil society influence on global governance. However, the increase in numbers and prominence of civil society organizations in international forums—for example, the Union of International Associations recorded 47,000 NGOs in 2003, a two-fold increase over the past twenty years (WRI 2003, 35)—has led some scholars to reconsider the nature of governance in the international arena. Scholars of counter-hegemonic globalization in sociology and of global civil society in political science identify transnational social movements, organizations, and/or activist networks as a countervailing force to the power of states and capital at the international level (Arts 1998; Evans 2005; Keck and Sikkink 1998; Lipschutz and Mayer 1996; Princen and Finger 1994; Tarrow 2001; Wapner 1995; Zuern 1998)

Various characteristics of transnational movements and networks are argued to shape their degree of influence on international politics. Scholars point to material resources mobilized by groups (Arts 1998), their access to decision-makers (Betsill and Corell 2001), the nature of the issues and targets that they tackle (Keck and Sikkink 1998), their capacity to organize international networks, and the agency of transnationalist activist entrepreneurs (Tarrow 2001). My contribution is to analyze the role of international institutions—the governance structures of hegemonic globalization (Evans 2005)—in enabling civil society advocacy at the global level. Global governance institutions create the terrain and shape opportunities for the struggles of the counter-hegemonic actors of global civil society.

Central to my analysis is Habermas' concept of the "public sphere." A public sphere describes a decision-making arena in which individuals come together as equals; they "seek to

persuade each other through the giving of reasons” and deliberation is focused on “matters of common concern;” and the product of debate is public opinion that can be “brought to bear on government decision-making” (Fraser 1997, 101). The key feature of the public sphere is that actions must be rationally justified to a public audience on the basis of some common good or shared value. Therefore a public sphere setting privileges actors who represent broad public constituencies over those pursuing private interests from positions of structural power. I argue that civil society actors create opportunities for influence in international politics by shifting the locus of decision-making to open arenas, where decision-making is based on rational discussion of the public good, and away from closed arenas, where structural and material influence determine the outcomes of bargaining. I call this leveraging the power of the public sphere.

My argument expands on Risse’s (2000) work on the role of arguing in world politics. Risse states that “although ... public spheres are taken for granted in democratic politics, they vary dramatically in international relations. Compare the secrecy of some international negotiations with the publicity of the UN-sponsored world summit meetings or with the semi-public proceedings before the UN Human Rights Commission and its subcommittees” (2000:21). In other words, international governance arenas can be categorized by the extent to which they resemble a public sphere. In the following section, I theorize three defining characteristics of a public sphere in international politics.

Theorizing the public sphere in the contemporary world politics

Habermas elaborated his theory of the public sphere in *The Structural Transformation of the Public Sphere* (Habermas [1962] 1989), which describes arenas of citizen discussion that arose in 18th century Europe, as a challenge to absolutist states. According to his analysis, for a political arena to function as a public sphere, it must meet at least three requisite conditions.

First, participants in the public sphere must deliberate as peers. Second, deliberation must focus on the common good and exclude merely private interests. Third, opinion created in the public sphere must be a force to rationalize state power (Habermas [1964] 1974). Others, including Fraser (1997), have transported the concept of the public sphere across time to analyze contemporary national politics and, in the process, challenged Habermas' three prerequisite conditions, identifying alternate conditions necessary for creating an effective public sphere. In the following paragraphs, I once again transport the concept of the public sphere, but across space to the global level, and counter-pose Habermas and Fraser, theorizing the elements of a public sphere in the contemporary international arena.

Access and participatory parity

The first prerequisite for effective debate in the public sphere is open access and some parity between the participants. In Habermas' theory of the bourgeois public sphere, parity is achieved by "bracketing" differences in social status and leaving them outside the discussion. The bracketing was necessary because it enabled a discussion between peers. Habermas argues that the bracketing was possible because discussions in the public sphere focused on issues of shared interest and equivalent benefit to all. In contrast, Fraser argues that formal equality, achieved by bracketing status differences, is not enough to guarantee deliberation among equals since "social inequalities can infect deliberation, even the in the absence of any formal exclusion" (1997, 78). Furthermore, she contends that informal pressures in official public spheres tend to reinforce the advantage of dominant groups in society. Therefore, for Fraser, socioeconomic equality is a prerequisite for effective debate in the public sphere.

Access and parity in international politics have a somewhat different meaning than access and parity in Habermas' original theory of the public sphere. First, rather than individuals being

the primary actors in the public sphere, states and other organizations are the participants in international public spheres. States have guaranteed access to international forums and are the primary actors in international politics. In contrast, non-state actors, such as NGOs and private sector organizations, tend to have partial access and are rarely on par with states in terms of decision-making power. However, non-state actors are gradually obtaining increased access and voice in many areas of international politics. Raustiala (1997) describes the evolution of NGO access to international environmental negotiations. The UN Charter granted some NGOs “consultative status” in 1945. By 1987, NGOs had been granted the right to make formal presentations to state delegations. Currently, some international governance arenas place non-state actors on par with state actors. The independent World Commission on Dams, established with support of the World Bank and the World Conservation Union (IUCN) in 1997, included twelve equal commissioners, representing state civil society and private sector interests (Khagram 2004).

As Fraser points out, parity is not simply about formal rules but must also take into account informal pressures. I break with Fraser in her conclusion that informal pressures in official public spheres tend to reinforce the advantage of dominant groups in society. While this may characterize most national political arenas, emerging areas of international politics are what Fligstein and McAdam call “unorganized social space,” with no “stable definitions of the situation” or “sets of ‘rules’” that routinize relations between groups making claims, vying for advantage, and attempting to establish control over the social space (Fligstein and McAdam 2003, 13). Such social spaces are less likely to be captured by private interests and thus the informal pressures in such spaces may even favor civil society groups and foster their influence.

Rational deliberation about the common good

Habermas' second prerequisite for a critical public sphere is that deliberation be rational, focus on the public good and not degenerate into bargaining between actors pursuing private interests. Therefore, he argues that private interests should be excluded from debate. Fraser argues against an *a priori* selection of topics suitable for consideration in the public sphere. In Fraser's view, pre-assumed distinctions between public and private issues can be used as a means of domination by excluding topics from public deliberation. She gives the example of wife battering, which was long considered a private family matter. While I agree with Fraser's argument that the "the postulation of a common good shared by exploiters and exploited may well be mystification" (1997, 87-88), I argue that she loses sight of the potential challenge of centering rational debate on a flexible notion of the common good.

At the global level, international organizations play a central role in fostering rational deliberation about the common good. Formal rules of procedure, which are characteristic of many international organizations, encourage rational debate (Risse 2000). In the context of international environmental politics, the importance of scientific expertise also serves to rationalize debates. Meyer et al. document the scientization of the international environmental arena in the period from 1870-1990, arguing that "the expansion of rationalized and authoritative scientific interpretation" is at the core of the present-day world environmental regime (1997, 623). Likewise Haas (1992) has detailed the roles played by epistemic communities centered on scientific experts in international environmental cooperation.

International organizations also establish parameters for what constitutes the global common good. For example, the provision of global collective goods is the central purpose of the United Nations. Established in San Francisco in 1945, the UN's primary goal was to foster international peace and security. In addition, the UN charter endorsed international human rights

and aimed “to achieve international cooperation in solving international problems of an economic, social, cultural, and humanitarian character.” The UN of course also enshrines the concept of national sovereignty, which is often in conflict with the provision of global public goods, and for that reason, it has been described as a schizophrenic organization (Cronin 2002). Nevertheless, the mandate of the UN and many other international organizations to provide global public goods opens opportunities for the creation of international public spheres that center on the deliberation of shared global interests.

“Strong” public opinion

The third key analytical element of Habermas’ theory of the public sphere is that that opinion formation in the public sphere be geared at rationalizing state power. Habermas argued that the public sphere’s function of rationalizing state authority is best achieved through a strict separation between the state and the deliberations of private individuals in the public sphere. The separation is necessary to guarantee the autonomy and legitimacy of discursive opinion generated in the public sphere.

Fraser offers an alternative pathway of creating a public sphere with the ability to influence state behavior in contemporary politics. She argues against a strict separation between the state and the public sphere and introduces the distinction between “weak publics,” whose power lies solely in opinion formation, and “strong publics,” such as sovereign parliaments, “whose discourse encompasses both opinion formation and decision making” (1997, 70). Fraser identifies the development of sovereign parliaments—“a public sphere *within* the state”—as a significant improvement over earlier political systems and calls for new and creative institutional arrangements that link weak and strong publics to government decision-making (1997, 70).

The international arena is a rich site for seeking creative institutional arrangements that link publics and states through “public opinion.” The goal of most international agreements is to control, through discursive means, the actions of individual states. The “public” trying to rationalize individual state power includes both the international community of states and the collection of non-state actors like environmental groups, human rights groups, international business associations, and other civil society and private sector organizations active in international politics. Under international law, international agreements represent the majority or consensus opinion of the state and non-state actors involved in deliberations but are ultimately only “opinion.” International agreements are not binding unless individual states choose to ratify. Nevertheless, they have been an effective means of governance in several areas of international politics (Brown Weiss 2003). Every international agreement is therefore an example of public opinion as a force that rationalizes state power. The particular arrangements by which states deliberate and non-state actors participate in international negotiations, including the UN climate negotiations, the World Commission on Dams (Khagram 2004), the UN Human Rights Commission (Risse 2000), the North American Free Trade Agreement negotiations (Kay 2004), to name a few, all offer insight on how to structure public spheres that rationalize state power.

In sum, Habermas’ concept of the public sphere is well-suited to analyzing the governance institutions of contemporary international politics. The three characteristics of a public sphere—access and parity, rational debate about the common good, and the formation of strong public opinion—translate to the global level. However, extending the concept of the public sphere to the global level also forces a reconceptualization of Habermas’ initial formulation. In Habermas’ theory, the public sphere is predicated on a sharp division between private individuals and the state. His national level analysis depicts the public sphere in

opposition to the state. In contrast, my theorization of a global public sphere demonstrates that the state-like actors at the international level—the UN system and other international organizations—are central to reinforcing the debate among equals, the rational consideration of the common good, and the control of state behavior that define a public sphere. This leads to a new understanding of the public sphere as fundamentally dependent on state capabilities. Decision-making arenas that function as public spheres can be seen as examples of shared projects between state and society rather than the product of conflict between the two.

The potential of a shared project is underscored by the interactions of civil society groups and governance domains that function as public spheres. The more closely a governance arena resembles a public sphere, the more opportunities for influence by civil society organizations. Increased NGO influence is the product of three characteristics of a public sphere. This is clearly illustrated in the case of ENGO activism in the arena of international climate politics, to which I now turn.

Explaining the environmentalist victory at Kyoto

International environmental politics provides an especially fertile ground on which to explore the potential of counter-hegemonic actors to express and pursue their interests in global governance arenas. The environmental arena has seen the most rapid growth in numbers of international NGOs over the past twenty years (Sikkink and Smith 2002). In absolute terms, international environmental NGOs are second only to human rights NGOs as the most numerous type of NGO in the international politics (Keck and Sikkink 1998). Like other NGOs active in the international arena, environmental NGOs come into conflict with powerful state and economic actors. “Backroom deals,” “decisions taken in secret,” and plans “prepared without input or review” remain commonplace means of environmental decision-making among state

elites (WRI 2003:vii). Likewise, transnational capital is argued to drive an international “race-to-the-bottom,” with nations reducing their environmental standards in order to attract footloose investment and to maintain international competitiveness (Barnet and Mueller 1974; Garcia-Johnson 2000; Swire 1996). And yet, in the climate change arena, a transnational network of environmental groups was able to challenge an alliance between the oil industry and a group of powerful states opposed to action on climate change.

I argue that the institutional setting of the UN climate debates is central to an explanation of the environmentalist victory at Kyoto. For this argument to be convincing, I must first fulfill two preconditions; to convince the reader that the Kyoto Protocol was really a victory for environmental interests and to demonstrate that the environmentalist victory cannot be attributed to other explanations that ignore the institutional setting of the UN negotiations. I then elaborate my public sphere explanation of the environmentalist victory at Kyoto.

Environmental interests and the Kyoto Protocol

The physical issue at stake in the UN climate debates is the emission of carbon dioxide and other greenhouse gases into the atmosphere. Once in the atmosphere, greenhouse gases act like a blanket and warm the earth. In turn, rising global average temperatures are projected to manifest in melting glaciers, rising sea levels, changing weather patterns, damage to vulnerable ecosystems, shifting species ranges, changes in agricultural production, and changing disease vectors (IPCC 2001). The major sources of greenhouse gas emissions to the atmosphere are the combustion of fossil fuels—coal, oil, and natural gas—and changes in land-use and land cover patterns.

Analysts agree that the primary obstacle to international climate regulation is the degree to which behaviors causing climate change are embedded in the world economy. Fifty-eight

percent of the world's 1990 greenhouse gas emissions were the result of burning fossil fuels, primarily in power plants and automobile engines. Another seventeen percent of emissions were due to deforestation and land use changes (Hare 1997). Addressing climate change therefore means weaning the global economy off fossil fuels and fundamentally restructuring the world energy system.

The situation is further complicated by the challenge of collective action in the international arena. Inter-state cooperation on climate change is hampered by conflicts along multiple axes. The climate debates pit against each other those states rich in fossil fuel reserves versus energy poor states, energy-efficient versus energy-inefficient national economies, ecologically vulnerable versus ecologically robust states, and, most crucially, industrialized versus industrializing states (see Table 1) (Grubb, Vrolijk and Brack 1999; Oberthuer and Ott 1999).¹ And finally, while a broad consensus currently exists within the scientific community that climate change is happening, this consensus was hard won. Uncertainties still remain in separating human influence on the climate from the earth's natural climatic variability, in predicting how much warming will result from different levels of greenhouse gas emissions, and in projecting what the environmental impacts of warming will be in different regions (Flannery 1992).

Understanding these obstacles underscores the remarkable achievement of the international climate negotiations. In 1997 in Kyoto, Japan, the international community of states negotiated the Kyoto Protocol, which commits its industrialized country signatories to reducing their greenhouse gas emissions by five percent by 2010 (calculated as a five-year

¹ The major emitters of greenhouse gases in the past and present are the industrialized countries—the United States, the European Union, and Russia hold the top three spots (see Table 1). The major emitters of the future will also include large developing countries such as China, India, and Brazil. (NB: This only holds for total annual emissions. Future per capita emissions from developing countries will remain far below levels in the US and Europe.)

average of emissions from 2008-2012). And while the provisions of the Kyoto Protocol are not sufficient to combat climate change, the agreement represents a significant step in moving political and discursive battles over climate change towards the direction of climate protection. The treaty was lauded as one of the most important environmental treaties of the century and a crucial first step towards reducing greenhouse gas emissions, stabilizing the earth's average temperature, and addressing the threat of global climate change (Oberthuer and Ott 1999; Taalab 1998).

Alternative explanations for the Kyoto agreement

There are at least three possible alternative explanations for the environmentalist victory at Kyoto. The first and second privilege state and private sector actors, respectively, and depict environmental groups as benefiting bystanders. The third explanation focuses on transnational advocacy networks as central actors in international environmental politics but identifies issue and target characteristics as the limiting conditions of network influence. I argue that each explanation contributes to our understanding of climate politics but cannot convincingly explain how and why NGO proponents of international climate regulation bested an alliance between powerful states and the economically and politically powerful firms in the fossil fuel, energy utility, and transportation sectors, all of which had a strong material interest in maintaining the status quo.

A first alternative explanation for the environmentalist victory at Kyoto might be that environmental groups happened to be on the winning side of an inter-state battle over climate change. State interest-based analyses of climate politics identify global warming as a classic tragedy of the commons problem (Hardin 1968). Individual states reap the full benefits of fossil fuel combustion and deforestation, and the costs to the climate are distributed across the globe

and shifted to future generations. State interest explanations draw on a cost-benefit framework to explain why various national delegations acted as lead, supporting, swing, or veto states in the international climate policy process. A state's negotiating position, they argue, is determined by its abatement costs and its ecological vulnerability (Sprinz and Vaahtoranta 1994) or by domestic politics (DeSombre 2000; Porter, Brown and Chasek 2000) .

This perspective captures the broad strokes of the conflicts between the major interest groups in climate politics between 1990 and 1997. Oberthuer and Ott (1999) describe this period in climate politics as a battle between the "industrialized leader" (the European Union) and the "industrialized laggards" (a loose coalition of seven countries including Japan, the United States, Switzerland, Canada, Australia, Norway, and New Zealand). The EU supported international regulation of greenhouse gas emissions. The US and others opposed binding commitments.

However, state-centered arguments are incomplete. They cannot account for the key turning points in the EU-US stalemate, such as the one in April of 1995, at the Berlin round of the climate negotiations. At the beginning of the Berlin session, the delegations from the US and the EU remained in conflict over the need for binding greenhouse gas regulation. However, by the end of the two-week session, without gaining any concessions, the US delegation shifted its position and set into motion the drafting of the Kyoto Protocol. According to Oberthuer and Ott, "virtually no participant or observer had expected such a far reaching result to be achieved in Berlin" and they ascribe the shift to action in the face of "mounting public pressure" (1999, 46-47). In particular, they credit environmental NGOs with playing a crucial role in fostering the positive outcome in Berlin. NGOs both helped to forge an alliance between the EU and developing country delegations and, more generally, mobilized public pressure on delegations to reach a compromise (Oberthuer and Ott 1999, 65-75). The detailed history makes clear that

environmental groups, rather than being by-standing beneficiaries, were active facilitators of the Kyoto Protocol process.

A second possible explanation for the ENGO victory at Kyoto might argue that environmental groups were by-standing beneficiaries of conflicts among business actors. Political economy perspectives argue that environmental regulation is a likely outcome when it gives certain corporate actors an immediate economic advantage over their competitors (Levy 1997; Vogel 1995). For example, the successful negotiation of the Montreal Protocol on Ozone Depleting Substances is credited by some to Dupont's decision to support international emission controls on chlorofluorocarbons (CFCs), because the company was facing unilateral US action and had developed a substitute product for CFCs. The Montreal Protocol's requirements created a market for Dupont's new product (Benedick 1991; Haas 1992a).

The unfolding of climate politics does not support a parallel argument. By the time of the agreement at Kyoto in December of 1997, only one company from the oppositional business lobby, British Petroleum, had broken ranks and expressed support for international climate regulation. Like Dupont, BP viewed climate change as a business opportunity, seeing the potential to advance BP in the areas of renewable energy, carbon trading, and environmental reputation. However, unlike in the ozone case, the economic advantage of BP's decision is unclear. Research projecting changes in shareholder value for BP, Shell, and ExxonMobil due to international restrictions on greenhouse gas emissions finds that the three companies are equally positioned and would all experience a small drop in shareholder value (Austin and Sauer 2002). Moreover, BP's breaking ranks does not explain the agreement reached at Kyoto. The majority of international oil corporations, automobile manufacturers, electric utilities and others stood against BP and opposed international action on climate change. Finally, BP's decision had

limited influence on the US and other veto delegations. Rather, Browne's decision earned BP the enmity of U.S.-based oil companies and many climate policymakers.²

A third potential explanation of the Kyoto outcome identifies transnational environmental groups as key actors in international environmental politics. Keck and Sikkink's (1998) work on transnational advocacy networks is most explicit in defining the mechanisms through which advocacy networks influence international politics. In Keck and Sikkink's argument, advocacy networks use a range of knowledge strategies, including information politics, symbolic politics, accountability politics, and leverage politics to "alter the information and value contexts within which states make policies" (1998,16). In particular, they describe a "boomerang model," by which local groups, whose direct influence on their home states is blocked, link with international organizations and other state actors. They, in turn, exert political and/or economic leverage to force changes in the behavior of the state impervious to the demands of local groups.

Keck and Sikkink's boomerang model however fails to provide a plausible mechanism that explains the agreement reached at Kyoto. The Climate Action Network (CAN) is a vibrant transnational advocacy network engaged in the climate debates. However, CAN's influence in the negotiations is not due to a boomerang pattern of leverage over the United States or the international oil industry. First, it is unclear which international entity can exert leverage over the US, nor is the US a vulnerable target by Keck and Sikkink's definition (i.e. sensitive to "material incentives or to sanctions from outside actors or...to pressure because of gaps between stated commitments and practice" (1998, 29). Second, according to Keck and Sikkink, leverage politics is most effective when "(1) issues involve bodily harm to vulnerable individuals, especially when there is a short and clear causal chain (or story) assigning responsibility; and (2) issues involve legal equality of opportunity" (1998, 27). Climate change fits neither issue

² Author's interview with oil industry executive (BINGO 10), January 28, 2003.

characteristic. Rather, it is characterized by complicated causal chains and has been cast as an issue of environmental protection and economic development but not of legal equality of opportunity.

A “public sphere” explanation

I contend that transnational advocacy networks did play a role in explaining the environmentalist victory at Kyoto. However, unlike Keck and Sikkink, who focus on the characteristics of issues and targets to explain advocacy success, I argue that the institutional characteristics of international decision-making arenas are critical in determining if transnational advocacy networks will be able to challenge the power of states and global economic actors at the international level. Using a public sphere framework to explain the environmentalist victory at Kyoto, I focus attention on the institutional terrain of the UN climate negotiations. I argue that three characteristics of the UN climate negotiations both provided environmental groups with leverage in their battles against entrenched fossil fuel interests and created opportunities for influence on state decision-makers: 1) the informal pressures of the UN negotiations; 2) the rational deliberation about the global common good focus of the international climate debates; and 3) the institutional arrangements linking public opinion to state decision-making.

Access and participatory parity

In terms of access and parity, the UN climate negotiations are not an ideal Habermasian public sphere. Access to the UN climate negotiations is granted to four kinds of organizations: national delegations (pink badges), UN and other international organizations (blue badges), media (orange badges), and NGO observers (green badges). There exists a hierarchy of badge colors—with pink at the top—which reflects the first-tier status of state delegations and second-

tier status of NGOs and others in a governance system based on inter-state negotiations. The UN climate negotiations are structured around the deliberations of delegations representing 170 countries. National delegations “consists of one or more officials who are empowered to represent, and negotiate on behalf of, their government” (Depledge 2000:17). In contrast, non-state actors generally attend the international climate change negotiations as observers and have no voting rights or official negotiating or decision-making roles (Susskind 1992).³

The UN climate negotiations do however establish formal parity between civil society and private sector non-state observers to the negotiations. Observer access to the climate meetings is granted to any organization that is accredited by the Climate Change Secretariat and can afford to send representatives to the UN climate conferences. The criteria for observer accreditation include “being qualified in matters covered by the convention,” submitting proof of non-profit, tax-exempt status, and the approval of at least two-thirds of the Parties to the convention (Climate Change Secretariat 2003).⁴

The source of ENGO advantage, relative to business groups, in the public sphere of the UN debates comes from the informal pressures of the negotiations. The informal pressure is embodied in the personnel of the UN climate negotiations. The staff of the Climate Change Secretariat and the elected and appointed leaders and delegates and observers at each round of the climate change negotiations clearly favored environmental interests.

The Climate Change Secretariat employs approximately a hundred people under the leadership of the Executive Secretary, who is appointed by the Secretary General of the United Nations in consultation with the COP (Depledge 2000). The secretariat’s primary mandate is to

³ A few national delegations, such as Australia, consistently include representatives from the private sector and environmental community. However, their freedom of expression is curtailed by the negotiating position of the country they represent.

⁴ Note that the tax-exempt status criteria requires private sector actors to join a non-profit business association if they want to attend the UN climate change negotiations.

assist the COP and facilitate the work of national delegations. It does so by providing support with logistics, information distribution, and coordination. In addition, the secretariat also coordinates and monitors the attendance of NGO observers at the climate meetings. As explained previously, the formal UN rules governing NGO attendance treat all NGOs equally, and the Climate Change Secretariat conscientiously provides equivalent services to all constituencies. Despite this formal parity, informally there is a preference for NGOs that support the environmental and public good goals of the convention.

The staff at the Climate Change Secretariat tends to be oriented towards environmental and internationalist concerns. For example, in a workshop on NGO participation in the climate policy process, the Executive Secretary of the Climate Change Secretariat raised the question if NGOs should be required to “declare support for the aims of the Convention, for example, its objective and principles” (FCCC/SBI/1997:3). This potential criterion was opposed since it would have prohibited the attendance of those business NGOs opposed to climate regulation (Depledge 2001). Staff at the secretariat is aware of the lobbying efforts by industry groups opposed to international climate regulation. They expressed caution with reference to some industry groups, describing their methods as secretive and at times under-handed and referred to the “mis-information” funded by industry groups prior to COP 3 and COP 6.⁵ As a result, business constituencies, particularly those opposed to climate regulation, are sometimes third-tier participants in the climate debates, behind state delegations and environmental NGOs. The effects of this third-tier status are felt in a variety of ways. The name for the business and industry constituency at the climate debates is a case in point. A plethora of signs are posted during each meeting of the Conference of the Parties. There are notifications of special events, room assignments, schedule changes, and informational posters. Newcomers to the negotiations

⁵ Author’s interview with UN official (UN 2), February 20, 2002.

might be surprised to encounter a sign for a BINGO room at the UN climate negotiations. While the climate conferences are the site for a number of events, they do not host a nightly bingo game. Rather BINGO is the Climate Change Secretariat's acronym for the group of Business and Industry Non-Governmental Organizations representing the private sector at the climate negotiations. Business groups don't like the name, but they are unwilling to make a fuss.⁶ The slight sting of the BINGO name encapsulates the disadvantage of being at odds with the staff of the Climate Change Secretariat.

A similar environmentalist orientation is held by national delegates attending the negotiations and elected to leadership positions in negotiating process. One concrete measure of the prevalence of an environmental bias in the UN climate negotiations are the ministerial affiliations of state delegates to the negotiations. At the climate meetings in 1991, delegates representing environmental, meteorological, and scientific ministries accounted for 36% of the 478 attendees, while delegates from economics ministries represented only 11%. By 1995, 868 national delegates attended the climate meetings, 47% from environmental and science ministries and 20% from economic ministries. By 2000, attendance at the UN climate conferences had risen to 2148, with the majority of delegates still representing environmental ministries (see Table 2).

Finally, the environmental and global orientation of the UN climate negotiations are reflected in the delegates elected to leadership positions during the each round of the negotiations. The elected leadership is consistently staff from national environmental ministries. Like the Climate Change Secretariat staff, they are often skeptical of the participation of conservative business groups in the climate debates. For example, Ambassador Estrada-Oyuela (Argentina), in his position as chairman, played a crucial role in the degree of NGO participation

⁶ Author's interview with oil industry executive (OIL 11), November 17, 2000.

in the climate negotiations in the pre-Kyoto negotiations. In 1995, Estrada observed a known lobbyist for the fossil fuel industry speak to a Kuwaiti delegate, who then started raising objections to the text under discussion. As a result, Estrada ordered that all NGOs be excluded from the negotiating floor, because BINGO lobbying had blocked an emerging consensus. Estrada's wrath also extended to environmental NGOs, although he also acknowledged their contribution to the climate debates.⁷

Formal statements by environmental and business groups at each round of the climate negotiations provide a measure of the privileged position of environmental advocates created by informal pressures. At each UN climate conference, representatives from both environmental and business groups are given the opportunity to address the plenary of state delegates to the COP. The statements of environmental NGOs showed them to be secure in their role as watchdogs of the environmental integrity of the climate negotiations. Their consistent message was a call for "immediate global CO₂ reductions"⁸ and expressions of "fear that the negotiations will fail to live up to worldwide expectations"⁹ and disappointment that "the principles of global partnership and equity, so much touted in Rio, have not been in evidence."¹⁰ In contrast, the business community consistently felt the need to justify its presence at the negotiations. The business statements repeated the claim that "sustainable growth requires...the broad-based involvement of all sectors in the formulation and implementation of policy"¹¹ and that "business and industry are essential participants in these climate deliberations."¹² The different rhetorics reflect how the informal pressures of the UN negotiations favored environmental interests.

⁷ Author's interview with UN official (UN 4), November 30, 2001.

⁸ Climate Action Network statement to plenary at INC 1, February 1991.

⁹ Climate Action Network statement to plenary at INC 2, 28 June 1991.

¹⁰ Climate Action Network statement to plenary at INC 8, August 1993.

¹¹ International Chamber of Commerce statement to plenary at INC 5, February 1992.

¹² International Chamber of Commerce statement to plenary at COP 1, 30 March 1995.

Rational deliberation and the common good

The second key feature of a public sphere is that debate be characterized by rational deliberation about shared interests. In the climate change case, the role of the UN as a provider of global public goods channeled the unfolding of the climate negotiations. Organized under the aegis of the UN, the climate negotiations have as a standard that arguments must be rationally justified in terms of the common global interest; itself a composite idea incorporating environmental, economic, internationalist principles. The standard worked to the advantage of environmental organizations that benefited both from the value placed on science-based environmental stewardship in the international climate policy process and from the value placed on representations of a global consensus.

Science-based environmental stewardship

A defining aspect of the institutional terrain of the UN climate negotiations is their reliance on scientific evaluations of global change. The international climate policy process was initiated in response to calls for action at scientific conferences throughout the 1980s (Agrawala 1999). In particular the Intergovernmental Panel on Climate Change (IPCC) played a pivotal role. Established in 1988, the IPCC serves as the scientific advisory group to the international community of states on topics related to climate change. It produces periodic assessments of the state of climate science, based on the work of several thousand scientists around the globe. The initiation of the international negotiations on climate change followed the release of the IPCC's First Assessment Report. The importance of science in the UN climate negotiations is formally enshrined in the two key international agreements on climate change. The preamble to the 1992 Framework Convention on Climate Change both acknowledges the value of ongoing climate change research and “[recognizes] that steps to understand and address climate change will be

environmentally, socially, and economically most effective if they are based on relevant scientific, technical and economic consideration and continually re-evaluated in the light of new findings in these areas” (FCCC 1992). Likewise, Article 9 of the 1997 Kyoto Protocol establishes a mechanism for review of adequacy of commitments “in light of the best available scientific information” (Article 9, Kyoto Protocol 1997). The FCCC also established a special subsidiary body as a mechanism to funnel scientific information from, into the official negotiations process. The Subsidiary Body for Scientific and Technological Advice is charged with “[providing] assessments of the state of scientific knowledge relating to climate change and its effects” (Article 9, FCCC 1992), as well as providing advice on the direction of climate change research, assessments of new technologies, and scientific support to the parties (Depledge 2000).

The focus of the UN climate negotiations on science-based evaluations of climate change turned out to favor those advocating for action. The environmental groups supported their demands for binding greenhouse gas reduction commitments by promoting an “environmental crisis” frame (Betsill 2000). The results of IPCC assessment reports were critical to legitimizing this frame. In their formal plenary statements, environmental groups consistently referred to IPCC scientific assessments and to their conclusions regarding necessary reductions in greenhouse gas emissions. For example, at the first round of the climate negotiation in February of 1991, the plenary statement by environmental groups quoted at length from the IPCC’s 1990 assessment report, stating that 60% reductions in carbon dioxide emissions would be necessary to stabilize atmospheric concentrations at 1990 levels.¹³ At another negotiating session, the environmental NGO speaker was Michael Oppenheimer, a senior scientist at Environmental

¹³ Climate Action Network statement to plenary at INC 1, February 1991.

Defense and active participant in the IPCC process.¹⁴ In July 1996, five of the seven articles in *ECO*, daily conference newsletter published by environmental groups, mentioned the conclusions of the IPCC's Second Assessment Report, released in June 1996.¹⁵ The key phrase of the report's Summary for Policy Makers—"...the balance of evidence suggests a discernable human influence on the global climate" (IPCC 1996a)—featured in the titles of two articles.

In contrast, conservative business interests faced the uphill task of challenging the IPCC-supported, science-based environmental crisis frame. Like the environmental groups, business NGOs opposed to action on climate wanted to appropriate the objectivity associated with science-based arguments. However, unlike the environmental community, they had to work in opposition to the IPCC. Theirs was a two-pronged strategy: establishing a scientific narrative that competed with the IPCC assessments and emphasizing the economic rather than environmental aspects of the climate issue.

The counter-narrative of business interests was expressed in references to the uncertainty of climate science. For example, at the 1995 negotiations in Berlin, the business community argued against a protocol with new targets, stating "in our view it is premature to set new goals. First, it is essential that all interested parties have a better understanding of the scientific, economic, and technical aspects of this very complex issue" (ICC 1995). While this was not a strong attack on climate science, the statements of business groups in the formal climate negotiations gain meaning in the context of other actions. In particular, US groups funded by fossil fuel interests sponsored and promoted the research of a small group of scientists skeptical of the consensus emerging through the IPCC (Franz 1998).¹⁶ This group of scientists advanced a number of claims about the causes and consequences of climate change, arguing for example,

¹⁴ Climate Action Network statement to plenary at INC 4, 19 December 1991.

¹⁵ *ECO*, 8 July, 1996.

¹⁶ *A Clear View*, 3 December 1997.

that IPCC climate models projecting global warming were inaccurate and contradicted by historic temperature records and satellite temperature measurements (Gelbspan 1997). Another component of the effort to undermine IPCC climate change science was an *ad hominem* attack on the IPCC process and leadership. Both Dr. John Houghton, the head of the IPCC working group on science, and Dr. Benjamin Santer, a lead author on the IPCC's Second Assessment Report, were accused of "deception" (Gelbspan 1997) and "jeopardize[ing] the credibility of the IPCC."¹⁷

A second strategy of conservative business groups was to emphasize the economic instead of the environmental aspects of the climate issue. From 1989 onwards, conservative business groups released over twenty reports projecting the high costs resulting from binding greenhouse gas emissions reductions. A typical example of such a report was a 1996 analysis, commissioned by the Global Climate Coalition, titled, "A Review of the Impacts of AOSIS-type Proposals to Limit Carbon Dioxide Emissions in the U.S." In a press release highlighting the conclusions of the study, the GCC announced that cutting carbon dioxide emissions by twenty percent below 1990 levels by 2005 would require a \$250+ tax per metric ton of carbon and would result in a 3-3.5% reduction in US gross domestic product.¹⁸

The environmentalist victory at Kyoto Protocol is evidence that environmental groups were able to effectively counter the influence of conservative business groups in the UN climate negotiations. Environmental groups benefited from the science and environmental stewardship norms guiding the negotiations. The climate skeptics never succeeded in challenging the IPCC process as the dominant source for credible science in the international negotiations. Likewise, economic considerations did not override the environmental imperative for climate protection.

¹⁷ *New Scientist*, 2 November 1991.

¹⁸ *PR Newswire*, 31 May 1996.

Representing a global consensus

A second source of advantage for environmental groups in the UN climate negotiations was the UN's explicitly global scope. The emphasis in the UN on the global common interest sets it apart from other arenas in which policy responses to climate change are debated.

Although national-level debates consider the global implications of climate change, specific national ecological vulnerabilities and national economic growth priorities are of equal or greater importance in determining national strategies. In contrast, the provision of global goods is a central purpose of the UN (Cronin 2002). An American Petroleum Institute memo captures the pressure that the UN's global goods mandate placed on lobbying groups. The memo contended that "from the political viewpoint, it is difficult for the United States to oppose the [climate] treaty solely on economic grounds, valid as the economic issues are. It makes it too easy for others to portray the United States as putting preservation of its own lifestyle above the greater concerns of mankind" (API 1998).

In making arguments about the global interest, neither environmental NGOs nor oil companies were *a priori* better-positioned to represent a global outlook. Both communities faced the challenge of organizing a global consensus across transatlantic and North-South cleavages. However, only the environmental community successfully organized a global advocacy network. Business lobbying in the UN climate negotiations was hampered by conflicts between different, nationally-oriented business groups.

The Climate Action Network (CAN) is an expression of the successful organizing efforts by environmental groups in the UN climate negotiations. Founded in 1989, CAN was the single, dominant environmental voice in the climate debates in the 1992 to 1997 period. CAN's central role was based on three characteristics. First, the network was a consistent presence at the UN negotiations, sending a delegation to every UN climate meeting since the first round of the

climate negotiations in February of 1991. Second, CAN was the official liaison between the UN Climate Change Secretariat and the community of ENGOs at each of the negotiating round. CAN was thus granted to the opportunity to address the plenary of delegates on behalf of environmental NGOs, coordinated the meetings between ENGOs and the Executive Director and other Climate Change Secretariat staff, and was assigned space and computer resources for use by environmental NGOs at each COP. Third, and most importantly, CAN embodied the single consensus voice of the global climate advocacy community. With over 280 members, CAN represented the majority of large and small environmental groups advocating on climate change.¹⁹ The transnational network was purposefully organized around seven regional nodes, in Africa, Central and Eastern Europe, Europe, Latin America, North America, South Asia, and Southeast Asia.²⁰ CAN leaders made a conscious effort to showcase this diversity in the individuals speaking for CAN in the plenary and during press briefings.

Much of CAN's effort in the UN climate negotiations focused on constructing a unified public position on climate change through internal negotiations between nodes in the network. The fracture lines of disagreement among CAN members ran along national divisions. The primary axes of conflict within CAN were between American and European NGOs and between Northern and Southern NGOs. One interviewee described the founding of CAN as a "tug of war" between European and American NGOs.²¹ The second source of conflict within CAN was between northern and southern NGOs. Southern NGOs came into conflict with their northern

¹⁹ Among CAN members were the major international environmental groups (including Greenpeace, Friends of the Earth, and the World Wildlife Fund/World Wide Fund for Nature), large US ENGOs (such as the Sierra Club, Environmental Defense, Natural Resources Defense Council, The Nature Conservancy, National Wildlife Federation, World Resources Institute, and Union of Concerned Scientists), large European NGOs (including the Royal Society for the Protection of Birds and the Wuppertal Institute) and a host large and smaller NGOs from around the globe with climate advocacy programs.

²⁰ CAN's *International NGO Directory 2000* lists NGO members in nineteen countries in Africa, nine countries in Asia, sixteen countries in Central and Eastern Europe, nineteen countries in Western Europe, and fourteen countries in Latin America (CAN 2000).

²¹ Author's interview with environmental advocate (ENGO 24), May 2, 2003.

colleagues over the relative emphasis on the environmental versus equity implications of the climate negotiations (Duwe 2000). However, neither transatlantic nor North-South conflicts undermined CAN's organizational and lobbying strength in the early years of the climate debates.

In contrast to the single CAN voice, the conservative business view in the climate negotiations was voiced by a changing and competing array of industry associations, including the Global Climate Coalition (GCC), the International Chamber of Commerce (ICC), and the International Petroleum Industry Environmental Conservation Association (IPIECA). Unlike CAN, these industry associations failed to function as sites to resolve conflicts within the business community. Industry groups in the climate debates reflected the views of a dominant member company within the association rather than a negotiated compromise between all the member companies. In particular, the US oil companies dominated the GCC, ICC, and IPIECA in the early years of the climate debates. As a result, when conflicts arose between oil companies based in Europe and those based in the US, the European companies left the American controlled business groups and established competing industry associations.

The trajectory of the GCC provides a telling example. In the early years of the international climate negotiations, the GCC stood as the dominant business and industry NGO in opposition to CAN. Established in 1989 in response to the formation of the IPCC, the GCC was created in order "to coordinate business participation in the scientific and policy debate on the global climate change issue" (GCC 1990). The GCC was viewed as the voice of the business community in general and the oil industry in particular. All the major oil multinationals, including companies headquartered in Europe, were members of the GCC. In addition, the wider climate policy community identified the GCC as the lead business NGO (Leggett 1999). By 2002, the GCC had ceased to exist. The first step in its eventual downfall came in 1994, when

the Business Council for Sustainable Development and the Business Council for a Sustainable Energy Future first sent a delegation to the UN climate negotiations (Leggett 1999). Then, in the summer of 1996, BP America, BP's US subsidiary, quietly withdrew from the coalition. In August of 1996, the *Financial Times* reported that Rodney Chase, a managing director at BP, stated that "his company had quit industry's most vociferous lobby group on global warming because it wanted more room to help tackle the problem."²² Two years later, Royal Dutch/Shell withdrew from the GCC, followed in quick succession by Ford, Daimler Chrysler, Texaco, Southern Company, and General Motors. Interviews with BP and Shell executives revealed that the companies withdrew from the GCC because of disagreements on climate policy and because BP and Shell rejected the GCC's aggressive lobbying tactics and the negative press it generated. Representatives from both companies credited the failure of the GCC to its export of American-style politics to the international arena.²³

In sum, in the lead up to the Kyoto negotiations, CAN was more successful than the GCC, ICC, and IPIECA in representing a global consensus. CAN's broad membership lent credence to its claim to be the global voice of climate advocacy NGOs. In contrast, the unraveling of the business lobby from 1994 onwards undermined its advocacy efforts. Despite the fact all three industry groups contained the word "global" or "international" in their names, the public split in the oil industry made impossible a claim of representing a global business consensus. Moreover, their framing narratives of conservative business groups also limited their ability to make arguments about the global public good. Their efforts to promote a scientific counter-narrative that challenged the IPCC assessments, to recast climate change as

²² *Financial Times*, 22 August, 1996.

²³ Author's interview with oil industry executive (OIL 20), March 6, 2002.

environmentalist exaggeration, and to emphasize the economic aspects of the climate issue were interpreted as justifications of narrow, special interests.

Influence on state decision-making

The third feature of a public sphere is the creation of public opinion as a force to rationalize state power. In the UN climate debates, the challenge of creating strong public opinion was addressed through the tight linkage between what I call the “formal” and “informal” public spheres of the UN negotiations (see Figure 1). The formal public sphere is enacted in the inter-state deliberations, governed by standardized UN procedures for international negotiations. The formal public sphere most directly influences the decision-making of national governments. The products of deliberation between state delegations in the formal public sphere were the legal texts of the Framework Convention on Climate Change and the Kyoto Protocol. These texts, although not immediately legally binding, were negotiated with the expectation of ratification by domestic governments.

State delegates to the climate negotiations, however, are imperfect representatives of the global public interest. Mostly government officials, they attempt to check the behavior of other states while rejecting constraints on the behavior of their own national governments. The assembly of non-state observers at the climate negotiations therefore act as a second, informal public sphere, scrutinizing the deliberations of national delegations. Restricted from participating in the formal inter-state climate negotiations, non-state actors created an informal public sphere as a second arena of debate and information exchange. At UN climate negotiating sessions, the informal public sphere is embodied in the frenzied activities of non-state observers to the negotiations. The conference halls are lined with booths sponsored by a broad range of organizations, peddling their informational fact sheets and reports, and, throughout the UN

negotiating sessions, non-states organizations host briefing sessions, stage debates, and create press events. The informal public sphere is a chaotic launch pad for new ideas and the site of discursive struggles between competing interests. Although national delegations contribute to discussions in the informal public sphere, its dominant agents are non-state actors, including intergovernmental organizations, environmental groups, industry associations, think tanks, and private sector corporations.

I argue that the differently structured formal and informal public spheres of the climate debates were complementary strong and weak publics. The existence of the strong public sphere of the inter-state negotiations added force to the public opinion generated in the informal public sphere. Simultaneously, the informal, weak public sphere strengthened the democratic potential of the formal, strong public sphere, by funneling ideas and opinions from a broad spectrum of actors into the formal negotiations. Moreover, the tight linkage between the formal and informal public spheres in the UN climate negotiations provided opportunities for environmental groups to influence state decision-making.

The size of the informal public sphere in the UN climate debates grew dramatically from the initiation of the international negotiations to the Kyoto agreement. In 1987, climate change was an issue of concern for only a small group of climate scientists and policy experts. By 1997, it had become the most prominent international environmental policy issue and the primary occupation of specialists not only in local, regional, and national governments, but also in universities and research institutes, international organizations, corporations, consulting and law firms, and non-governmental organizations. Attendance of NGO observers at the climate negotiations documents this trend. At the first round of the UN climate negotiations, seventy-six NGOs attended at the invitation of the organizers. By 1997, over 230 NGOs (3663 individuals) attended the Kyoto round; double the numbers of national delegates (see Table 3).

In the UN climate negotiations leading to the Kyoto Protocol, the formal and informal public spheres of the negotiations were linked in multiple ways. The most direct link between the two were partnerships between non-state actors and like-minded delegations. Early on in the negotiations, the environmental community established an alliance with the Alliance of Small Island States (AOSIS), the group of states most threatened by climate change. In a parallel effort, the conservative business lobby collaborated closely with Organization of Petroleum Exporting Countries, who had most to lose for international climate regulation (Depledge 2000; Oberthuer and Ott 1999).

The informal and formal public spheres of the UN climate negotiations were also formally linked through the right of non-state observers to address the plenary of state delegates at each round of the negotiations. The plenary presentations were the sole formal opportunity for non-state observers to speak to state delegates. Opportunities to address the plenary were highly valued and an occasion for conflict particularly among competing business groups.

Finally, non-state observers also developed a range of other mechanisms enabling information exchange between the informal and formal public spheres of the debates. During the early rounds of the climate negotiations, NGO observers were the audience to inter-state deliberations and could catch delegates in the conference center hallways. At the Berlin round in 1995, the Climate Change Secretariat began scheduling side events to the inter-state negotiations. Side events are used to stimulate discussion and disseminate information. They are sponsored by accredited observer NGOs and international organizations (and sometimes national delegations), usually last between one to two hours, and consist of short presentations by a panel of speakers on topics relevant to the negotiations. By 1997, the Climate Change Secretariat also assigned sites for exhibit booths, sponsored by non-state observers. NGOs use exhibit booths and

information tables to distribute research reports and general information about their organizations.

The best evidence of the concern of national delegations about their environmental reputations in the informal public sphere is their response to *ECO*, the Climate Action Network's daily news letter. A common sight at the UN climate negotiating sessions was delegates and observers reading *ECO* for an update, from an environmental viewpoint, on the previous day's negotiations. *ECO* was one of CAN's most important lobbying tools. It featured detailed articles and commentary on the progress of the climate negotiations during sessions of the COP and the subsidiary bodies. A thousand copies of the newsletter were distributed throughout the conference center each morning during the negotiations (CAN 2001). Betsill (2000) documents several occasions during which national delegations asked to respond in writing to criticisms of their negotiating positions published in a previous *ECO*. This suggests that *ECO* was both widely read at the COPs and that its contents were taken seriously.

In sum, the two public spheres in the negotiations leading to the Kyoto Protocol complemented each other in their accessibility and decision-making authority. The informal public sphere most closely aligned with Habermas' ideal. It was an arena of debate open to all participants, at least to all those who had the resources to attend the negotiations, produce expert briefs on climate policy, and/or garner newspaper coverage. Arguments in the informal public sphere were oriented towards a broad audience and had to be justified in terms of the public good. In contrast, the formal UN negotiations restricted participation to state delegations, and their decision-making was based on some public deliberation framed around the common good as well as behind-closed-doors bargaining centered on particular state interests. Yet, the decision-making authority of the formal public sphere strengthened the force of public opinion emerging from the informal public sphere.

Conclusion

My goals in this article were two-fold. First, I developed a public sphere explanation of the environmentalist victory at the Kyoto. A public sphere explanation of the negotiations leading to the Kyoto Protocol offers what other explanations lack, namely an analysis of the institutional terrain on which states, private sector actors, and civil society groups compete to define the problems of and solutions to global environmental change. I argued that environmental groups were successful in overcoming the powerful state-industry alliance opposed to action on climate change because of the public sphere nature of the UN climate negotiations. First, the informal pressures of the UN climate negotiations allowed for some participatory parity between environmental groups and the materially and structurally more powerful fossil fuel interests. Second, the rational consideration of the global public good emphasis in the UN climate negotiations, expressed through a preference for science-based environmental stewardship and a global outlook, provided the environmental community with institutional resources that strengthened their call for international action on climate change. Third, the complimentary structure of the formal and informal public spheres of the UN negotiations meant that the environmentalist dominance on the discursive level of the negotiations lead to influence on state behavior.

Second the second purpose of the article was to extend Habermas' concept of the public sphere to the global level. This offered the opportunity of rethinking the concept to give it broader relevance in contemporary politics. Habermas developed his theory of the public sphere within a national context. In his initial formulation, the public sphere emerged in opposition to absolute states. In my analysis, state actors are not only the targets of action through the public sphere but also become the guarantors of decision-making arenas that function as public spheres.

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Figure 1: The formal and informal public spheres of the UN climate negotiations

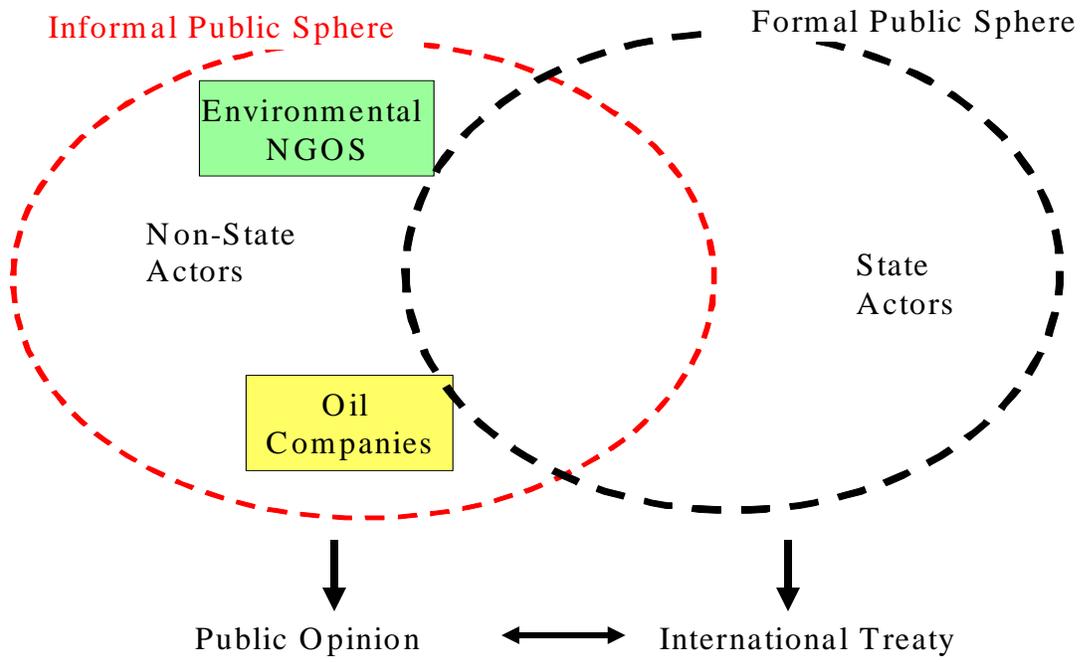


Table 1: Cumulative, annual, and per capita carbon dioxide emissions for selected countries

| Country | CO₂ emissions cumulative 1800 – 2000 (mill metric tons) | CO₂ emissions 1999 (mill metric tons) | CO₂ emissions per capita (metric tons/per capita/per year) |
|----------------|--|--|---|
| United States | 301,279 | 5,584.8 | 19.9 |
| European Union | 282,488 | 3,713.2 | 8.1 |
| Russia | 86,705 | 1,486.3 | 10.2 |
| China | 72,615 | 3,051.1 | 2.5 |
| Japan | 36,577 | 1,158.5 | 9.1 |
| India | 20,275 | 903.8 | 0.9 |
| Brazil | 8,140 | 305.6 | 1.8 |
| Saudi Arabia | 5,836 | 216.6 | 11.0 |
| World | 1,017,359 | 23,172.2 | 3.9 |

Source: (WRI 2003)

Table 2: Analysis of value orientation of national delegates based on ministerial affiliation

| Meetings | | 1991 INC 2 | 1995 COP 1 | 2000 COP 6 |
|---|--|-----------------------|-----------------------|-----------------------|
| Total # of Delegates | | 487 | 868 | 2148 |
| <i>Total # of Delegations</i> | | <i>127</i> | <i>117</i> | <i>173</i> |
| <hr/> | | | | |
| Ministry of Foreign Affairs | # of delegates | 240 | 292 | 567 |
| | % of total delegates | (50%) | (34%) | (26%) |
| <hr/> | | | | |
| Ministry of Environment and/or Department of Meteorology | # of delegates | 178 | 406 | 1142 |
| | % of total delegates | (36%) | (47%) | (53%) |
| | <i># of delegations w/ at least one environmental representative</i> | <i>80</i> | <i>102</i> | <i>169</i> |
| | <i>% of total delegations</i> | <i>(63%)</i> | <i>(87%)</i> | <i>(98%)</i> |
| <hr/> | | | | |
| Ministry of Economics, Trade and/or Energy | # of delegates | 52 | 170 | 229 |
| | % of total delegates | (11%) | (20%) | (11%) |
| | <i># of delegations w/ at least one economic representative</i> | <i>26</i> | <i>45</i> | <i>74</i> |
| | <i>% of total delegations</i> | <i>(20%)</i> | <i>(38%)</i> | <i>(43%)</i> |

Source: List of Participants compiled by Climate Change Secretariat. The lists were used to tabulate numbers of participants based on their organizational affiliations.

Table 3: Attendees at the UNFCCC Conferences of the Parties

| | COP 1 1995 Berlin | COP 2 1996 Geneva | COP 3 1997 Kyoto |
|------------------------------------|-----------------------------|-----------------------------|----------------------------|
| Parties | 868 (117) | 947 (147) | 1534 (155) |
| Observer States^a | 155 (57) | 41 (14) | 29 (6) |
| NGOs | 979 (165) | 533 (107) | 3663 (236) |
| Other Observers^b | 77 (31) | 114 (29) | 202 (33) |
| Total (w/o media) | 2079 | 1635 | 5428 |

Note: The numbers in parentheses indicate the number of states or organizations.

^a Observer States are those that have not ratified the UN Framework Convention on Climate Change.

^b Other Observers include UN secretariat units and related bodies, specialized agencies and related organizations, and intergovernmental organizations.

Source: List of Participants compiled by the Climate Change Secretariat.